

By: Cunningham, Walle, Dutton, Swanson

H.B. No. 1532

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Lake Houston Dredging and Maintenance District; providing the authority to issue bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subtitle L, Title 6, Special District Local Laws Code, is amended to read as follows:

SUBTITLE L. MUNICIPAL AND COUNTY WATER DISTRICTS

SECTION 2. Subtitle L, Title 6, Special District Local Laws Code, is amended by adding Chapter 9602 to read as follows:

CHAPTER 9602. LAKE HOUSTON DREDGING AND MAINTENANCE DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9602.0101. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board of directors of the district.

(3) "District" means the Lake Houston Dredging and Maintenance District.

(4) "Service area" means the area in which the district may perform dredging and maintenance operations, which is composed of the following territory:

(A) Lake Houston;

(B) the East and West Forks of the San Jacinto River between the Harris County line and Lake Houston;

1 (C) Luce Bayou downstream from Trent Road; and

2 (D) Caney Creek between the Harris County line
3 and Lake Houston.

4 Sec. 9602.0102. NATURE OF DISTRICT. The district is a
5 conservation and reclamation district created under and essential
6 to accomplish the purposes of Section 59, Article XVI, Texas
7 Constitution.

8 Sec. 9602.0103. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

9 (a) The district is created to serve a public use and benefit.

10 (b) All land and other property in the boundaries of the
11 district will benefit from the works and projects accomplished by
12 the district under the powers conferred by Section 59, Article XVI,
13 Texas Constitution.

14 Sec. 9602.0104. DISTRICT TERRITORY. Unless the district
15 territory has been modified under Subchapter J, Chapter 49, Water
16 Code, or other law, the boundaries of the district are coextensive
17 with the boundaries of Harris County.

18 SUBCHAPTER B. BOARD OF DIRECTORS

19 Sec. 9602.0201. GOVERNING BODY; TERMS; PRESIDING OFFICER.

20 (a) The district is governed by a board of five directors appointed
21 as follows:

22 (1) one director appointed by the city council of the
23 City of Houston;

24 (2) two directors appointed by the director of the
25 City of Houston Public Works;

26 (3) one director appointed by the governing body of
27 the Harris County Flood Control District; and

1 (4) one director appointed by the mayor of the City of
2 Houston.

3 (b) Directors serve staggered four-year terms.

4 (c) The director appointed under Subsection (a)(4) serves
5 as the board's presiding officer.

6 SUBCHAPTER C. POWERS AND DUTIES

7 Sec. 9602.0301. GENERAL POWERS AND DUTIES. Except as
8 provided by this chapter, the district has the powers and duties
9 applicable to a district under Chapter 49, Water Code.

10 Sec. 9602.0302. SPECIFIC POWERS AND DUTIES. (a) In this
11 section, "dredging and maintenance operations" includes the
12 removal of:

13 (1) sediment and debris that accumulates under and
14 above the water; and

15 (2) floating debris.

16 (b) The district may form voluntary interlocal agreements
17 with political subdivisions, corporate entities, or other persons
18 to perform dredging and maintenance operations in areas of the
19 service area controlled or maintained by the party to the
20 interlocal agreement. The district may not require payment from
21 the other party to the interlocal agreement for dredging and
22 maintenance operations performed under an interlocal agreement
23 entered into under this section.

24 (c) The district may seek from any source a grant of money or
25 another resource to assist the district's dredging and maintenance
26 operations.

27 (d) Dredging and maintenance operations performed by or

caused to be performed by the district may not:

(1) negatively affect the quality of water in Lake Houston; or

(2) degrade the quality of water to be:

(A) treated by the City of Houston's Northeast Water Purification Plant or any other surface water treatment plant; or

(B) transported by the West Canal or another water conveyance system.

(e) The district must:

(1) obtain approval from the City of Houston Public Works before performing or causing to be performed dredging and maintenance operations in Lake Houston; and

(2) exercise due diligence when performing dredging and maintenance operations in Lake Houston.

(f) The City of Houston Public Works is immune from liability for any damages resulting from direct or indirect dredging and maintenance operations performed in Lake Houston, regardless of whether the operations are performed by or caused to be performed by the district.

Sec. 9602.0303. SAND, GRAVEL, MARL, SHELL, AND MUDSHELL.

(a) Notwithstanding any other law, the district may take sand, gravel, marl, shell, and mudshell from areas of the service area to restore, maintain, or expand the capacity of the service area to convey storm flows.

(b) For purposes of this section, the district is not required to:

1 (1) obtain a permit or pay a fee to take sand, gravel,
2 marl, shell, or mudshell under Subsection (a); or

3 (2) purchase sand, gravel, marl, shell, or mudshell
4 taken under Subsection (a).

5 (c) The district may:

6 (1) deposit sand, gravel, marl, shell, or mudshell
7 taken under Subsection (a) on private land; and

8 (2) sell sand, gravel, marl, shell, or mudshell taken
9 under Subsection (a).

10 Sec. 9602.0304. LIMITATION ON POWERS. The district may
11 not:

12 (1) finance, develop, or maintain a recreational
13 facility under Subchapter N, Chapter 49, Water Code;

14 (2) exercise the power of eminent domain; or

15 (3) perform the same function as another conservation
16 and reclamation district whose territory overlaps with the
17 territory of the district, except the district may perform dredging
18 operations if other conservation and reclamation districts are
19 performing dredging operations in the territory of the district.

20 SUBCHAPTER D. FINANCIAL PROVISIONS

21 Sec. 9602.0401. AUTHORITY TO ISSUE REVENUE BONDS. (a) The
22 district may issue bonds payable from and secured by district
23 revenue to carry out any power conferred by this chapter. The bonds
24 must be authorized by a board resolution.

25 (b) The bonds must be issued in the manner and under the
26 terms of the resolution authorizing the issuance of the bonds.

27 Sec. 9602.0402. PLAN OF FINANCING. (a) The district shall

1 study methods of financing the services provided by and
2 improvements constructed by the district.

3 (b) The district shall make the results of the study
4 conducted under this section available to the public.

5 Sec. 9602.0403. PROHIBITION ON TAXATION AND FEES. The
6 district may not impose a tax or charge a fee.

7 Sec. 9602.0404. STATE FUNDING. (a) Except as provided by
8 Subsection (b), the legislature may appropriate money from the
9 state treasury to the district to fund the district's activities
10 under this chapter. Legislative appropriations to the district for
11 a state fiscal year may not exceed \$25 million.

12 (b) The legislature may not appropriate money to the
13 district for a state fiscal year that begins on or after September
14 1, 2027.

15 SECTION 3. (a) Not later than September 1, 2026, the city
16 council of the City of Houston, the director of the City of Houston
17 Public Works, the governing body of the Harris County Flood Control
18 District, and the mayor of the City of Houston shall appoint the
19 initial members of the board of directors of the Lake Houston
20 Dredging and Maintenance District as required by Section 9602.0201,
21 Special District Local Laws Code, as added by this Act.

22 (b) At the first meeting of the board of directors of the
23 Lake Houston Dredging and Maintenance District, the directors shall
24 draw lots to determine which three directors serve a term of four
25 years and which two directors serve a term of two years.

26 SECTION 4. (a) The legal notice of the intention to
27 introduce this Act, setting forth the general substance of this

1 Act, has been published as provided by law, and the notice and a
2 copy of this Act have been furnished to all persons, agencies,
3 officials, or entities to which they are required to be furnished
4 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5 Government Code.

6 (b) The governor, one of the required recipients, has
7 submitted the notice and Act to the Texas Commission on
8 Environmental Quality.

9 (c) The Texas Commission on Environmental Quality has filed
10 its recommendations relating to this Act with the governor, the
11 lieutenant governor, and the speaker of the house of
12 representatives within the required time.

13 (d) All requirements of the constitution and laws of this
14 state and the rules and procedures of the legislature with respect
15 to the notice, introduction, and passage of this Act are fulfilled
16 and accomplished.

17 SECTION 5. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2025.